

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1372*

House Bill No. 1434

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-38-103(b), is amended by deleting from the first sentence the language "Upon the request of a victim of violent crime involving serious bodily injury or death of a relative," and substituting instead the language "Upon the request of any crime victim,".

SECTION 2. Tennessee Code Annotated, Section 40-38-117, is amended by deleting the section and substituting:

(a) A victim of a crime has the right to refuse a request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant for an interview or other communication with the victim.

(b) Prior to communication with the victim of a crime, the defendant's attorney, or any other person proceeding at the direction of an attorney acting on behalf of a defendant being prosecuted for a criminal offense involving the victim, shall communicate to the victim clearly stating that:

(1) The person is acting on behalf of a criminal defendant;

(2) The victim has the right to decline to communicate or be interviewed;

and

(3) The victim has the right to end the communication or interview at any time, except as required by court order or subpoena.

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.



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AMEND

House Joint Resolution No. 44*

by deleting all language after the caption and substituting:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED TWELFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that a majority of all members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article I, Section 35 of the Constitution of Tennessee be amended by deleting the section in its entirety and substituting the following:

Section 35. That to preserve and protect the rights of victims of crime to justice and due process throughout the criminal and juvenile justice systems, a victim, as defined by law and which may be expanded by the General Assembly, shall have the following rights, which shall be protected:

- (1) The right to be treated with fairness and respect for the victim's safety and dignity;
- (2) The right to reasonable notice of, and to be present at, all public criminal proceedings and all public juvenile delinquency proceedings involving the accused;
- (3) The right to be heard in any proceeding involving release, plea, sentencing, and disposition, as well as any public proceeding when relevant;
- (4) The right to be heard and informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to



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be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender;

(5) The right to be free from intimidation, harassment, and abuse throughout the criminal justice system, including reasonable protection, as defined by the General Assembly, from the accused or any person acting on behalf of the accused;

(6) The right to reasonable notice of any release, transfer, or escape of the accused or convicted person;

(7) The right to full and timely restitution from the offender;

(8) The right to a speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence;

(9) The right to confer with the prosecution;

(10) The right to be fully informed of all rights afforded to crime victims;

(11) The right to be informed of the minimum sentence the offender will serve in custody and the scheduled release date; and

(12) The right to have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.

A victim may assert the rights enumerated in this section, not as a party, but in the manner further provided by the General Assembly which protects the victim's right to standing. The General Assembly has the authority to and shall enact substantive and procedural laws to further define, implement, preserve, and protect the rights guaranteed to victims by this section. This section must be interpreted to preserve and protect the rights of all persons to due process. Nothing in this section or any law enacted under this section shall be construed as creating a basis for vacating a conviction.

Nothing in this section shall be construed as creating a cause of action for money damages against the State, a county, a municipality, or any of the agencies, instrumentalities, or employees thereof.

BE IT FURTHER RESOLVED, that the foregoing amendment be referred to the One Hundred Thirteenth General Assembly and that this resolution proposing such amendment be published in accordance with Article XI, Section 3 of the Constitution of Tennessee by posting such amendment on the official website of the Secretary of State and on the official website of the General Assembly.

BE IT FURTHER RESOLVED, that the Clerk of the House of Representatives is directed to deliver copies of this resolution to the Secretary of State and to the Director of the Office of Legislative Information Services.

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AMEND Senate Bill No. 1380*

House Bill No. 1406

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 38-3-121, is amended by deleting the section and substituting the following:

A law enforcement officer shall not use a choke hold, as defined in § 38-8-101, with or without the use of a police baton, on any person unless the officer reasonably believes that deadly force is authorized pursuant to § 39-11-620.

SECTION 2. Tennessee Code Annotated, Section 38-8-101, is amended by adding the following language as a new subdivision:

() "Choke hold" means an intentional use of pressure or constriction to the neck, throat, or windpipe intended to inhibit breathing;

SECTION 3. Tennessee Code Annotated, Section 38-8-113, is amended by deleting the section and substituting the following:

Use of a choke hold, with or without the use of a police baton, must be taught to candidates at state law enforcement training facilities as a method of restraint to be used only if the officer reasonably believes that deadly force is authorized pursuant to § 39-11-620.

SECTION 4. Tennessee Code Annotated, Title 38, Chapter 8, Part 1, is amended by adding the following as new sections:

38-8-127. De-escalation.



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By January 1, 2022, each law enforcement agency shall develop a policy regarding de-escalation. Each agency shall provide training to officers on de-escalation techniques, including, but not limited to:

- (1) Verbal de-escalation and the effective delivery of verbal instructions to prevent the need for physical use of force;
- (2) Application of reasonable and proportional use of force based upon the totality of the circumstances;
- (3) De-escalation in circumstances of decreased resistance or compliance by a subject;
- (4) Allowing a suspect time to submit to arrest before force is used, when possible; and
- (5) Tactical repositioning, requesting additional personnel, and other similar techniques to decrease the need for physical use of force.

38-8-128. Duty to intervene.

(a) A law enforcement officer who directly observes or has knowledge of excessive use of force by another law enforcement officer in violation of state or federal law shall, within the officer's scope of training, knowledge, and authority, intervene when the officer has an opportunity and means to prevent the harm from occurring. A law enforcement officer who intervenes during an excessive force incident shall report the circumstances to a supervisor as soon as practical.

(b) A law enforcement officer who has direct knowledge of excessive use of force by another law enforcement officer in violation of state or federal law shall, as soon as practical, report the excessive use of force to a supervisor.

(c) A law enforcement agency is prohibited from retaliating against any officer who intervenes against excessive use of force, reports excessive use of force, or cooperates in an internal investigation related to the excessive use of force.

38-8-129. Shooting at moving vehicles.

By January 1, 2022, each law enforcement agency shall develop a policy that limits the circumstances under which an officer may discharge a firearm at or from a moving vehicle, motorcycle, or bicycle to when the officer reasonably believes that deadly force is authorized as provided in § 39-11-620.

38-8-130. Use of force reporting.

(a) By January 1, 2022, each law enforcement agency shall establish a use of force reporting system that allows for the agency to effectively review and analyze all use of force incidents.

(b) The reporting system must be designed to help the agency identify trends, improve officer training and safety, collect data, and provide timely and accurate information.

(c) By January 1, 2022, each law enforcement agency shall implement the use of force reporting system established pursuant to subsection (a) to collect data on use of force incidents.

(d) Beginning January 1, 2022, each law enforcement agency shall report monthly to the Tennessee bureau of investigation all use of force data consistent with the requirements, definitions, and methods of the federal bureau of investigation's National Use of Force Data Collection. The bureau shall compile the information reported by each agency pursuant to this subsection (d) and submit an annual report to the chair of the judiciary committee of the senate and the chair of the criminal justice committee of the house of representatives by July 1, 2023, and by July 1 of each year thereafter. The report must include statewide and countywide aggregate data, but must not include any personally identifying information of law enforcement officers. The bureau shall also make the report available to the public on the bureau's website.

SECTION 5. Tennessee Code Annotated, Section 40-6-105, is amended by deleting the section and substituting the following:

40-6-105.

(a) The magistrate, if satisfied of the existence of the grounds of the application, or that there is probable ground to believe their existence, shall issue a search warrant signed by the magistrate, directed to the sheriff, any constable, or any peace officer, commanding the sheriff, constable, or peace officer immediately to search the person or place named for the property specified, and to bring it before the magistrate.

(b) A magistrate shall not issue a "no knock" search warrant, which expressly authorizes a peace officer to dispense with the requirement to knock and announce the peace officer's presence prior to execution of the warrant.

SECTION 6. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it.

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AMEND Senate Bill No. 946*

House Bill No. 1321

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-103(a), is amended by deleting the subsection and substituting instead the following:

(a) A person commits an offense who, either individually or in concert with another person, recklessly engages in conduct that places or may place another person in imminent danger of death or serious bodily injury.

SECTION 2. Tennessee Code Annotated, Section 39-13-103, is amended by adding the following as a new subsection:

() As used in this section, "deadly weapon" includes, but is not limited to, a motor vehicle.

SECTION 3. Tennessee Code Annotated, Section 39-13-103(b), is amended by adding the following as a new subdivision:

(A) Reckless endangerment under the circumstances set out in subdivision (b)(C) is a Class C felony and shall be punished by the following, in addition to any period of confinement:

(i) Revocation of the person's driver license for a period of five (5) years from the date of conviction, if the person had a valid driver license on the date of conviction for the offense; or

(ii) A prohibition against the department issuing a driver license to the person for a period of five (5) years from the date of conviction, if the person did not possess a valid driver license at the time of conviction for the offense.



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(B)

(i) Upon ordering the revocation or prohibition of the person's driver license pursuant to subdivision (b)() (A), the court shall submit a copy of the conviction and an order for revocation or prohibition, whichever is applicable, to the department of safety.

(ii) Upon receipt of a conviction and an order for revocation of the person's driver license, the department shall revoke the person's driver license if the person had a valid driver license on the date of conviction. The driver license shall not be reinstated or issued until the five-year period following the date of conviction has expired. A person whose license was revoked or prohibited pursuant to subdivision (b)() (A) may apply to the department for reinstatement or issuance of the person's driver license after the five-year period following the date of conviction has expired.

(C) Subdivision (b)() (A) applies to reckless endangerment committed by discharging a firearm:

(i) Into a group of two (2) or more people; or

(ii) Into a motor vehicle.

(D) A person whose driver license has been revoked or issuance prohibited pursuant to subdivision (b)() (A) may, upon release from confinement, apply to the court, or a court of competent jurisdiction in the person's county of residence, for a restricted driver license. Upon demonstration of a compelling need by the person, the court may allow the issuance of a restricted driver license for the purpose of going to and from work at the person's regular place of employment; going to and from the person's regular place of worship; going to and from medical appointments for the person and the person's immediate family members; going to and from a dependent's day care or school; and, in the case of a student enrolled full-time in an institution of higher education, going to and from that institution. If the court orders the issuance of a

restricted driver license, then the person may obtain a certified copy of the order and, within ten (10) days after issuance of the order, present the order to the department with an application fee of sixty-five dollars (\$65.00), and the department shall issue a restricted driver license embodying the limitations imposed in the order.

SECTION 4. Tennessee Code Annotated, Section 39-13-103(b), is amended by adding the following as a new subdivision:

() In addition to the penalties authorized by this subsection (b), if the act resulting in the conviction was committed with a deadly weapon, then the court may require the person to complete an anger management program.

SECTION 5. This act takes effect July 1, 2021, the public welfare requiring it.

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AMEND Senate Bill No. 166*

House Bill No. 733

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-14-212, is amended by deleting subsection (a) and substituting instead the following:

(a) A person commits aggravated cruelty to animals when, with no justifiable purpose, the person intentionally or knowingly:

(1) Kills, maims, tortures, crushes, burns, drowns, suffocates, mutilates, starves, or otherwise causes serious physical injury, a substantial risk of death, or death to a companion animal; or

(2) Fails to provide food or water to the companion animal resulting in a substantial risk of death or death.

SECTION 2. Tennessee Code Annotated, Section 39-14-212, is amended by deleting subdivision (b)(1).

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.



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AMEND Senate Bill No. 258*

House Bill No. 924

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-609(d)(2), is amended by adding the following as new subdivisions:

(H) To provide aerial coverage of public property, or private property with the consent of the private property owner, when deployed for the purpose of providing or enhancing security for an event open to the public, including, but not limited to, music concerts, athletic events, festivals, protests, and other outdoor events;

(I) To provide aerial coverage in case of a natural disaster when a state of emergency is declared; or

(J) To investigate the scene of a crime that is occurring or has occurred.

SECTION 2. Tennessee Code Annotated, Section 39-13-609(e)(2), is amended by deleting subdivisions (e)(2)(A)–(C) and substituting:

(A) Be deleted within fifteen (15) business days of collection unless the evidence, information, or other data is directly relevant to the lawful reason the drone was being used or to an investigation or criminal prosecution. If the evidence, information, or other data is directly relevant to either, the evidence must be retained and deleted by the collecting law enforcement agency in accordance with the same criteria, policies, and procedures used by the agency for evidence collected by methods other than a drone;

(B) Not be admissible as evidence in a criminal prosecution in any court of law in this state if it was collected or obtained in violation of subsection (c) or (d); and



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(C) Not be used as probable cause to obtain a search or arrest warrant or reasonable suspicion to detain a person or vehicle if evidence, information, or other data was collected or obtained that was, at the time of collection, in violation of this section.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it. This act terminates July 1, 2024, and the law in effect prior to this act's effective date will be revived.